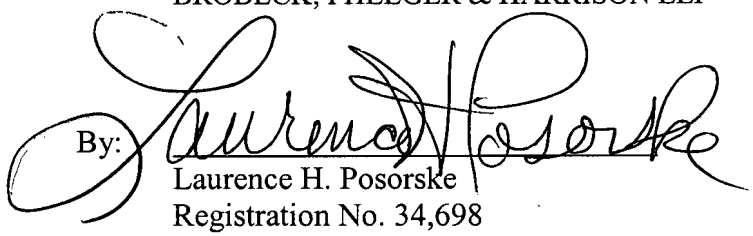
REMARKS

Applicants believe that no new matter is introduced in the filing of this Preliminary Amendment. Applicants respectfully request examination of the above-named application in view of the present amendments.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

September 7, 2001

By: 
Laurence H. Posorske
Registration No. 34,698

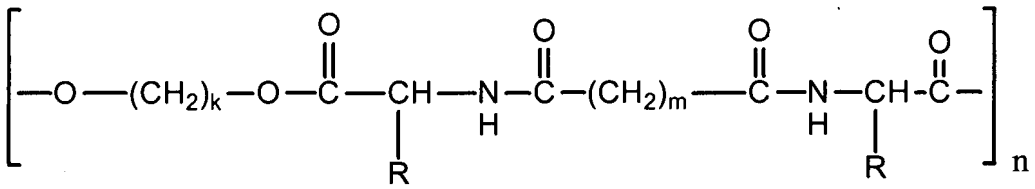
Brobeck, Phleger & Harrison LLP
Intellectual Property Department
1333 H Street, N.W., Suite 800
Washington, D.C. 20005
Tel: (202) 220-6000
Fax: (202) 220-5200
LHP:nej

APPENDIX A
MARKED-UP VERSION OF CLAIMS
U.S. Patent Application No. 09/757,704
(as amended September 7, 2001)

In accordance with 37 C.F.R. § 1.121(c), Applicants submit a marked-up version of the claims, in order to indicate changes Applicants have made.

1. (Amended) A bioerodable construct for controlled release of bioactive materials, said construct comprising a blend of two or more poly(ester-amide) polymers (PEA) prepared by polymerizing a diol (D), a dicarboxylic acid (C) and an alpha-amino acid (A) through ester and amide links in the form $(DACA)_n$.

wherein the PEA polymer has the formula:



wherein k = 2-12, [especially 2, 3, 4, or 6,]
m = 2-12, [especially 4 or 8,]and
R = $CH(CH_3)_2$, $CH_2CH(CH_3)_2$, $CH(CH_3)CH_2CH_3$, $(CH_2)_3CH_3$, $CH_2C_6H_5$, or $(CH_2)_3SCH_3$.

2. The construct of claim 1, wherein k = 2, 3, 4, or 6 and m= 4 or 8.

3. The construct of claim 1, wherein the blend comprises a first PEA polymer in which A is L-phenylalanine (Phe-PEA) and a second PEA polymer in which A is L-leucine (Leu-PEA).

4. The construct of claim 3, wherein the ratio of Phe-PEA to Leu-PEA is from 10:1 to 1:1.

5. The construct of claim 3, wherein the ratio of Phe-PEA to Leu-PEA is from 5:1 to 2.5:1.

6. (Amended) The construct according to any [preceding claim]one of claims 1-5, wherein the construct is a deformable sheet adapted to conform to a biological surface.

7. (Amended) The construct according to [any preceding]claim 6, further comprising a bioactive agent.

8. The construct of claim 7, wherein the bioactive agent is selected from the group consisting of antiseptics, anti-infectives, such as bacteriophages, antibiotics, antibacterials, antiprotozoal agents, and antiviral agents, analgesics, anti-inflammatory agents including steroids and non-steroidal anti-inflammatory agents including COX-2 inhibitors, anti-neoplastic agents, contraceptives, CNS active drugs, hormones, and vaccines.

9. (Amended) The construct according to [any preceding]claim 7, wherein the construct comprises an enzyme capable of hydrolytically cleaving the PEA polymer.

10. The construct according to claim 9, wherein the enzyme is α-chymotrypsin.

11. The construct according to claim 9, wherein the enzyme is adsorbed on the surface of the construct.

12. The construct according to claim 9, wherein the construct contains bacteriophage which are released by action of the enzyme.

13. A method of treating a patient having an ulcerative wound comprising inserting into the wound or covering the wound with a bioerodable construct according to claim 1, wherein the bioerodable construct is a deformable sheet containing a bioactive agent.

14. The method of claim 13, wherein the bioactive agent is bacteriophage, an antibiotic, an antiseptic, or an analgesic.

15. The method of claim 13, wherein the wound is open or infected.

16. The method according to claim 14, wherein the bacteriophage are specific for bacteria found in the wound.

17. (Amended) The method according to any [preceding claim]one of claim 13-16, wherein the construct also comprises an enzyme capable of hydrolytically cleaving the PEA polymer.

--18. (new) The construct according to any one of claims 1-5, further comprising a bioactive agent.

19. (new) The construct of claim 18, wherein the bioactive agent is selected from the group consisting of antiseptics, anti-infectives, such as bacteriophages, antibiotics, antibacterials, antiprotozoal agents, and antiviral agents, analgesics, anti-inflammatory agents including steroids and non-steroidal anti-inflammatory agents including COX-2 inhibitors, anti-neoplastic agents, contraceptives, CNS active drugs, hormones, and vaccines.

20. (new) The construct according to any one of claims 1-5, wherein the construct comprises an enzyme capable of hydrolytically cleaving the PEA polymer.

21. (new) The construct according to claim 20, wherein the enzyme is α-chymotrypsin.

22. (new) The construct according to claim 20, wherein the enzyme is adsorbed on the surface of the construct.

23. (new) The construct according to claim 20, wherein the construct contains bacteriophage which are released by action of the enzyme.--